

3722
IFW



PATENT
ATTORNEY DOCKET No. 64114.000044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 08/944,234 Confirmation No.: 1173
Applicant : Vincent Bryan *et al.*
Filed : October 6, 1997
Title : DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL
DISC DEVICE
TC/Art Unit : 3727
Examiner: : Lien M. Ngo

Docket No. : 64118.000044
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

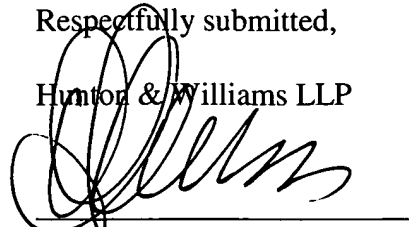
Sir:

Pursuant to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated May 4, 2004, attached as Appendix A is a complete listing of claims, including withdrawn claims. Because the April 22, 2004, Amendment included a submission of a request for continued examination (RCE), Applicant believes no fee is due with this response. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206.

Respectfully submitted,

Hunton & Williams LLP

By:

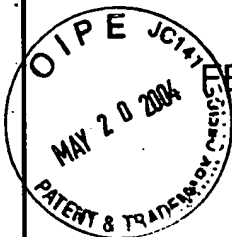
A handwritten signature in black ink, appearing to read 'Ozzie A. Farres', is written over a horizontal line.

Ozzie A. Farres

Registration No. 43,606

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: May 20, 2004



FEE TRANSMITTAL

MAIL STOP AF

Complete If Known

Application No.		08/944,234																																													
Filing Date		October 6, 1997																																													
First Named Inventor		Bryan Vincent et al.																																													
Examiner Name		Lien M. Ngo																																													
Group Art Unit		3727																																													
Total Amount Of Payment (\$)		Attorney Docket No. 64118.000044																																													
METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																													
<p>1. <input checked="" type="checkbox"/> The Commissioner for Patents is hereby authorized to charge indicated fees and credit any over payments to Deposit Account No. 50-0206 in the name of Hunton & Williams LLP.</p> <p>2. <input type="checkbox"/> Check Enclosed. The Commissioner for Patents is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to Deposit Account No. 50-0206 in the name of Hunton & Williams LLP, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109.</p>		<p>3. ADDITIONAL FEES</p> <table border="1"><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td><input type="checkbox"/> Surcharge - late filing fee or oath</td><td>\$</td></tr><tr><td><input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet</td><td>\$</td></tr><tr><td><input type="checkbox"/> Two Month Extension of Time</td><td>\$</td></tr><tr><td><input type="checkbox"/> Notice of Appeal</td><td>\$</td></tr><tr><td><input type="checkbox"/> Filing Brief in Support of Appeal</td><td>\$</td></tr><tr><td><input type="checkbox"/> Request for Oral Hearing</td><td>\$</td></tr><tr><td><input type="checkbox"/> Utility Issue Fee (or Reissue) (including Publication Fee, if necessary)</td><td>\$</td></tr><tr><td><input type="checkbox"/> Design Issue Fee</td><td>\$</td></tr><tr><td><input type="checkbox"/> Plant Issue Fee</td><td>\$</td></tr><tr><td><input type="checkbox"/> Petition to Commissioner</td><td>\$</td></tr><tr><td><input type="checkbox"/> Petition to Revive (Unavoidable)</td><td>\$</td></tr><tr><td><input type="checkbox"/> Petition to Revive (Unintentional)</td><td>\$</td></tr><tr><td><input type="checkbox"/> Petitions Related to Provisional Applications</td><td>\$</td></tr><tr><td><input type="checkbox"/> Submission of Information Disclosure Statement</td><td>\$</td></tr><tr><td><input type="checkbox"/> Filing Submission After Final Rejection</td><td>\$</td></tr><tr><td><input type="checkbox"/> Recording Each Patent Assignment Per Property</td><td>\$</td></tr><tr><td><input type="checkbox"/> Filing Request for Reexamination</td><td>\$</td></tr><tr><td><input type="checkbox"/> Other (specify) ____</td><td>\$</td></tr></tbody></table>		Fee Description	Fee Paid	<input type="checkbox"/> Surcharge - late filing fee or oath	\$	<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	\$	<input type="checkbox"/> Two Month Extension of Time	\$	<input type="checkbox"/> Notice of Appeal	\$	<input type="checkbox"/> Filing Brief in Support of Appeal	\$	<input type="checkbox"/> Request for Oral Hearing	\$	<input type="checkbox"/> Utility Issue Fee (or Reissue) (including Publication Fee, if necessary)	\$	<input type="checkbox"/> Design Issue Fee	\$	<input type="checkbox"/> Plant Issue Fee	\$	<input type="checkbox"/> Petition to Commissioner	\$	<input type="checkbox"/> Petition to Revive (Unavoidable)	\$	<input type="checkbox"/> Petition to Revive (Unintentional)	\$	<input type="checkbox"/> Petitions Related to Provisional Applications	\$	<input type="checkbox"/> Submission of Information Disclosure Statement	\$	<input type="checkbox"/> Filing Submission After Final Rejection	\$	<input type="checkbox"/> Recording Each Patent Assignment Per Property	\$	<input type="checkbox"/> Filing Request for Reexamination	\$	<input type="checkbox"/> Other (specify) ____	\$						
Fee Description	Fee Paid																																														
<input type="checkbox"/> Surcharge - late filing fee or oath	\$																																														
<input type="checkbox"/> Surcharge - late provisional filing fee or cover sheet	\$																																														
<input type="checkbox"/> Two Month Extension of Time	\$																																														
<input type="checkbox"/> Notice of Appeal	\$																																														
<input type="checkbox"/> Filing Brief in Support of Appeal	\$																																														
<input type="checkbox"/> Request for Oral Hearing	\$																																														
<input type="checkbox"/> Utility Issue Fee (or Reissue) (including Publication Fee, if necessary)	\$																																														
<input type="checkbox"/> Design Issue Fee	\$																																														
<input type="checkbox"/> Plant Issue Fee	\$																																														
<input type="checkbox"/> Petition to Commissioner	\$																																														
<input type="checkbox"/> Petition to Revive (Unavoidable)	\$																																														
<input type="checkbox"/> Petition to Revive (Unintentional)	\$																																														
<input type="checkbox"/> Petitions Related to Provisional Applications	\$																																														
<input type="checkbox"/> Submission of Information Disclosure Statement	\$																																														
<input type="checkbox"/> Filing Submission After Final Rejection	\$																																														
<input type="checkbox"/> Recording Each Patent Assignment Per Property	\$																																														
<input type="checkbox"/> Filing Request for Reexamination	\$																																														
<input type="checkbox"/> Other (specify) ____	\$																																														
<p>FEE CALCULATION</p> <p>1. BASIC FILING FEE <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity</p> <table border="1"><thead><tr><th></th><th><u>FEE PAID</u></th></tr></thead><tbody><tr><td>Utility Filing Fee</td><td>\$</td></tr><tr><td>Design Filing Fee</td><td>\$</td></tr><tr><td>Plant Filing Fee</td><td>\$</td></tr><tr><td>Reissue Filing Fee</td><td>\$</td></tr><tr><td>Provisional Filing Fee</td><td>\$</td></tr></tbody></table>			<u>FEE PAID</u>	Utility Filing Fee	\$	Design Filing Fee	\$	Plant Filing Fee	\$	Reissue Filing Fee	\$	Provisional Filing Fee	\$																																		
	<u>FEE PAID</u>																																														
Utility Filing Fee	\$																																														
Design Filing Fee	\$																																														
Plant Filing Fee	\$																																														
Reissue Filing Fee	\$																																														
Provisional Filing Fee	\$																																														
<p>2. EXTRA CLAIMS FEES</p> <table border="1"><thead><tr><th colspan="7">CLAIMS AS AMENDED</th></tr><tr><th rowspan="2">For</th><th rowspan="2">Number Present</th><th rowspan="2">Highest Number Paid For</th><th rowspan="2">Extra</th><th colspan="2">Rate</th><th rowspan="2">Amount</th></tr><tr><th>Large Entity</th><th>Small Entity</th></tr></thead><tbody><tr><td>TOTAL CLAIMS</td><td>113</td><td>125</td><td></td><td>x \$ 18.00</td><td>x \$ 9.00</td><td>\$ 0.00</td></tr><tr><td>INDEPENDENT CLAIMS</td><td>13</td><td>15</td><td></td><td>x \$ 86.00</td><td>x \$ 43.00</td><td>\$ 0.00</td></tr><tr><td colspan="4">MULTIPLE DEPENDENT CLAIMS</td><td>\$ 290.00</td><td>\$ 145.00</td><td>\$ 0.00</td></tr><tr><td colspan="6">TOTAL EXTRA CLAIMS FEES</td><td>\$</td></tr></tbody></table>				CLAIMS AS AMENDED							For	Number Present	Highest Number Paid For	Extra	Rate		Amount	Large Entity	Small Entity	TOTAL CLAIMS	113	125		x \$ 18.00	x \$ 9.00	\$ 0.00	INDEPENDENT CLAIMS	13	15		x \$ 86.00	x \$ 43.00	\$ 0.00	MULTIPLE DEPENDENT CLAIMS				\$ 290.00	\$ 145.00	\$ 0.00	TOTAL EXTRA CLAIMS FEES						\$
CLAIMS AS AMENDED																																															
For	Number Present	Highest Number Paid For	Extra	Rate		Amount																																									
				Large Entity	Small Entity																																										
TOTAL CLAIMS	113	125		x \$ 18.00	x \$ 9.00	\$ 0.00																																									
INDEPENDENT CLAIMS	13	15		x \$ 86.00	x \$ 43.00	\$ 0.00																																									
MULTIPLE DEPENDENT CLAIMS				\$ 290.00	\$ 145.00	\$ 0.00																																									
TOTAL EXTRA CLAIMS FEES						\$																																									
SUBMITTED BY				Complete (if applicable)																																											
Typed or Printed Name		Ozzie A. Farnes		Registration No.		43,606																																									
Signature				Date		May 20, 2004																																									